

IN THE STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard W. Wall

Bradley A. King

Serial No.: 10/617,318

Filed: July 10, 2003



§ Attorney Docket 01-006-01/4147



**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir.

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below or filed herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints: Steven R. Ormiston, Reg. No. 35,974 and Jack H. McKinney, Reg. No. 45,685; as its attorney or agent, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to IDAHO RESEARCH FOUNDATION, INC., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Assignment:

Filed concurrently herewith for recording, a copy of which is attached hereto.

Previously recorded on: \_\_\_\_\_  
at Reel: \_\_\_\_\_ Frame: \_\_\_\_\_

Please direct all communications as follows:

Steven R. Ormiston  
ORMISTON & MCKINNEY, PLLC  
802 W. Bannock, Suite 400  
P.O. Box 298  
Boise, ID 83701-0298

Date: 11/4/03

ASSIGNEE: IDAHO RESEARCH FOUNDATION, INC.

By: Gene Merrell  
Gene Merrell  
Acting Director

## ASSIGNMENT

WHEREAS, we, *Richard W. Wall and Bradley A. King*, have invented a certain invention entitled *NetworkProtocol For Efficient Distributed Control*, for which we are making application for Letters Patent of the United States; and

WHEREAS, Idaho Research Foundation, Inc., a corporation organized under the laws of the State of Idaho, having a place of business at Morrill Hall 103, University of Idaho, Moscow, Idaho 83844-3003, is desirous of acquiring an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, *Richard W. Wall and Bradley A. King*, hereby sell, assign and transfer to Idaho Research Foundation, Inc., the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and Letters Patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by Idaho Research Foundation, Inc., for its own use and benefit, and for its successors and assigns to the full end of the term for which Letters Patent may be granted in this or any foreign country, as fully and entirely as the same would have been held by us had this assignment and sale not been made, and covenant that we have full right so to do, and agree that we will communicate to Idaho Research Foundation, Inc., or its successors and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid Idaho Research Foundation, Inc., its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at the place and date opposite our respective signatures below.

Richard W. Wall  
Richard W. Wall

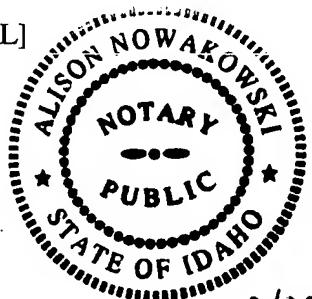
At Moscow, Idaho  
(City and State)

on this 10th day of November, 2003.

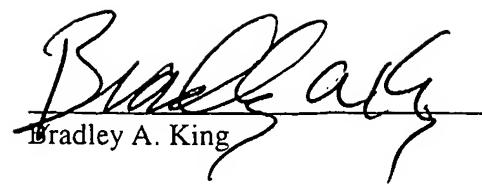
STATE OF IDAHO      )  
                            )      ss.  
COUNTY OF Latah      )

This 10th day of November, 2003, before me personally came the above-named RICHARD W. WALL, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

[SEAL]



Alison Nowakowski  
Notary Public for Idaho  
My commission expires: 12/20/2007

  
\_\_\_\_\_  
Bradley A. King

At Aberdeen, Idaho  
(City and State)

on this 17 day of November, 2003.

STATE OF IDAHO )  
 ) ss.  
COUNTY OF Bingham )

This 17 day of November, 2003, before me personally came the above-named BRADLEY A. KING, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

[SEAL]

  
\_\_\_\_\_  
Robert Garner  
Notary Public for Idaho  
My commission expires: 4-20-2006

DECLARATION



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject which is claimed and for which a patent is sought on the invention entitled **NETWORK PROTOCOL FOR EFFICIENT DISTRIBUTED CONTROL**, the specification of which:

\_\_\_\_\_ is attached hereto.

X was filed on July 10, 2003 as Application Serial No. 10/617,318

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability of the subject matter claimed in this application as "materiality" is defined in Title 37 of the Code of Federal Regulations, § 1.56.

I hereby claim the benefit of any earlier filing date in the United States to which I am entitled under Title 35 of the United States Code, § 120 and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 of the United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 of the Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and national or PCT international filing date of this application.

60/395,174 (Application Serial No.)	July 10, 2002 (Filing Date)	Provisional (Status)
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Send correspondence to:

Steven R. Ormiston  
Ormiston & McKinney, PLLC  
802 W. Bannock, Suite 400  
P.O. Box 298  
Boise, ID 83701-0298

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first or sole inventor: Richard W. Wall  
Inventor's Signature: Richard W. Wall  
(First, Middle Initial, Last)

Date: 11/10/2003  
Residence Address: 2730 Compton Place  
City, State, Country: Moscow, ID 83843, USA  
.....

Citizenship: US  
Post Office Address: Same as residence address

Full name of first or sole inventor: Bradley A. King  
Inventor's Signature: Bradley A. King  
(First, Middle Initial, Last)

Date: 11/17/03  
Residence Address: 11791 North Nelson Lane  
City, State, Country: Pocatello, ID 83202, USA  
.....

Citizenship: US  
Post Office Address: Same as residence address